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5 *Attorneys for Defendant*
6 *REAL T. SOLUTIONS, INC.*

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA
9

10 FIDELITY NATIONAL TITLE
11 INSURANCE COMPANY, successor-
12 in-interest to LAWYERS TITLE
13 INSURANCE CORPORATION, a
foreign corporation,

14 Plaintiff,

15 vs.
16

17 JUSTIN J. GLENN, an individual;
18 GARY GLENN, an individual; REAL
T. SOLUTIONS, INC., a Nevada
19 corporation; DOES 1 through X; and
20 ROE BUSINESS ENTITIES XI
21 through XX,

22 Defendants.
23

CASE NO. 2:12-cv-02086-MMD-VCF

24 **DEFENDANT REAL T. SOLUTIONS, INC.'S ANSWER TO COMPLAINT**

25 COMES NOW Defendant REAL T. SOLUTIONS, INC. (hereinafter referred
26 to as "Real T"), by and through its counsel of record, Marc S. Cwik, Esq., of the law
27 firm LEWIS BRISBOIS BISGAARD & SMITH LLP, and responds to the
28 allegations in Plaintiff's Complaint, as follows:

PARTIES

1
2 1. Answering Paragraph 1 of Plaintiff's Complaint, Real T is without
3 knowledge or information sufficient to form a belief as to the truth of the allegations
4 contained therein and, therefore, denies them on that basis.

5 2. Answering Paragraph 2 of Plaintiff's Complaint, Real T is without
6 knowledge or information sufficient to form a belief as to the truth of the allegations
7 contained therein and, therefore, denies them on that basis.

8 3. Answering Paragraph 3 of Plaintiff's Complaint, Real T is without
9 knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained therein and, therefore, denies them on that basis.

11 4. Answering Paragraph 4 of Plaintiff's Complaint, Real T admits the
12 allegations therein.

13 5. Answering Paragraph 5 of Plaintiff's Complaint, Real T is without
14 knowledge or information sufficient to form a belief as to the truth of the allegations
15 contained therein and, therefore, denies them on that basis.

16 6. Answering Paragraph 6 of Plaintiff's Complaint, Real T is without
17 knowledge or information sufficient to form a belief as to the truth of the allegations
18 contained therein and, therefore, denies them on that basis.

19 7. There is no Paragraph 7 in Plaintiff's Complaint and, therefore, no
20 response is required. To the extent a response may be required, Real T denies any
21 allegations that may pertain to a Paragraph 7.

22 8. There is no Paragraph 8 in Plaintiff's Complaint and, therefore, no
23 response is required. To the extent a response may be required, Real T denies any
24 allegations that may pertain to a Paragraph 8.

25 9. There is no Paragraph 9 in Plaintiff's Complaint and, therefore, no
26 response is required. To the extent a response may be required, Real T denies any
27 allegations that may pertain to a Paragraph 9.

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JURISDICTION AND VENUE

10. Answering Paragraph 10 of Plaintiff's Complaint, Real T is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies them on that basis.

11. Answering Paragraph 11 of Plaintiff's Complaint, Real T admits the allegations as they relate to Real T. As they relate to other named defendants, Real T is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies them on that basis.

12. Answering Paragraph 12 of Plaintiff's Complaint, Real T is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies them on that basis.

13. Answering Paragraph 13 of Plaintiff's Complaint, Real T is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies them on that basis.

FACTS COMMON TO ALL CAUSES OF ACTION

14. Answering Paragraph 14 of Plaintiff's Complaint, Real T responds by stating that the deed referenced therein, as a written document, speaks for itself and, therefore, no response is required. To the extent a response may be required, Real T is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies them on that basis.

15. Answering Paragraph 15 of Plaintiff's Complaint, Real T is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies them on that basis.

16. Answering Paragraph 16 of Plaintiff's Complaint, Real T is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and, therefore, denies them on that basis.

17. Answering Paragraph 17 of Plaintiff's Complaint, Real T responds by stating that the deed of trust referenced therein, as a written document, speaks for

1 itself and, therefore, no response is required. To the extent a response may be
2 required, and as to the remaining allegations of Paragraph 17, Real T is without
3 knowledge or information sufficient to form a belief as to the truth of the allegations
4 contained therein and, therefore, denies them on that basis.

5 18. Answering Paragraph 18 of Plaintiff's Complaint, Real T is without
6 knowledge or information sufficient to form a belief as to the truth of the allegations
7 contained therein and, therefore, denies them on that basis.

8 19. Answering Paragraph 19 of Plaintiff's Complaint, Real T responds by
9 stating that the title affidavit referenced therein, as a written document, speaks for
10 itself and, therefore, no response is required. To the extent a response may be
11 required, Real T is without knowledge or information sufficient to form a belief as
12 to the truth of the allegations contained therein and, therefore, denies them on that
13 basis.

14 20. Answering Paragraph 20 of Plaintiff's Complaint, Real T responds by
15 stating that the owner's affidavit referenced therein, as a written document, speaks
16 for itself and, therefore, no response is required. To the extent a response may be
17 required, Real T is without knowledge or information sufficient to form a belief as
18 to the truth of the allegations contained therein and, therefore, denies them on that
19 basis.

20 21. Answering Paragraph 21 of Plaintiff's Complaint, Real T is without
21 knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained therein and, therefore, denies them on that basis.

23 22. Answering Paragraph 22 of Plaintiff's Complaint, Real T responds by
24 stating that the owner's affidavit referenced therein, as a written document, speaks
25 for itself and, therefore, no response is required. To the extent a response may be
26 required, Real T is without knowledge or information sufficient to form a belief as
27 to the truth of the allegations contained therein and, therefore, denies them on that
28 basis.

1 23. Answering Paragraph 23 of Plaintiff's Complaint, Real T is without
2 knowledge or information sufficient to form a belief as to the truth of the allegations
3 contained therein and, therefore, denies them on that basis.

4 24. Answering Paragraph 24 of Plaintiff's Complaint, Real T admits that it
5 conducted a title search on the Property, but denies the remaining allegations
6 contained in Paragraph 24.

7 25. Answering Paragraph 25 of Plaintiff's Complaint, Real T is without
8 knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained therein and, therefore, denies them on that basis.

10 26. Answering Paragraph 26 of Plaintiff's Complaint, Real T responds by
11 stating that the trustee's sale guarantee referenced therein, as a written document,
12 speaks for itself and, therefore, no response is required. To the extent a response
13 may be required, Real T is without knowledge or information sufficient to form a
14 belief as to the truth of the allegations contained therein and, therefore, denies them
15 on that basis.

16 27. Answering Paragraph 27 of Plaintiff's Complaint, Real T responds by
17 stating that the second deed of trust referenced therein, as a written document,
18 speaks for itself and, therefore, no response is required. To the extent a response
19 may be required, Real T is without knowledge or information sufficient to form a
20 belief as to the truth of the allegations contained therein and, therefore, denies them
21 on that basis.

22 28. Answering Paragraph 28 of Plaintiff's Complaint, Real T responds by
23 stating that the notice of default referenced therein, as a written document, speaks
24 for itself and, therefore, no response is required. To the extent a response may be
25 required, Real T is without knowledge or information sufficient to form a belief as
26 to the truth of the allegations contained therein and, therefore, denies them on that
27 basis.

28 29. Answering Paragraph 29 of Plaintiff's Complaint, Real T is without

1 knowledge or information sufficient to form a belief as to the truth of the allegations
2 contained therein and, therefore, denies them on that basis.

3 30. Answering Paragraph 30 of Plaintiff's Complaint, Real T denies the
4 allegations contained therein as they relate to Real T. As the allegations relate to
5 other defendants, Real T is without knowledge or information sufficient to form a
6 belief as to the truth of the allegations contained therein and, therefore, denies them
7 on that basis.

8 31. Answering Paragraph 31 of Plaintiff's Complaint, Real T is without
9 knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained therein and, therefore, denies them on that basis.

11 **FIRST CLAIM FOR RELIEF**

12 **(Fraud/Intentional Misrepresentation against Justin)**

13 32. Answering Paragraph 32 of Plaintiff's Complaint, Real T repeats and
14 realleges each and every response contained in paragraphs 1 through 31 herein, and
15 incorporates the same by reference as though fully set forth at this point.

16 33. Answering Paragraph 33 of Plaintiff's Complaint, Real T responds by
17 stating that the allegations contained therein are directed at defendants other than
18 Real T, and therefore no response is required of Real T. To the extent a response
19 may be required, Real T is without knowledge or information sufficient to form a
20 belief as to the truth of the allegations contained in Paragraph 33 and, therefore,
21 denies them on that basis.

22 34. Answering Paragraph 34 of Plaintiff's Complaint, Real T responds by
23 stating that the allegations contained therein are directed at defendants other than
24 Real T, and therefore no response is required of Real T. To the extent a response
25 may be required, Real T is without knowledge or information sufficient to form a
26 belief as to the truth of the allegations contained in Paragraph 34 and, therefore,
27 denies them on that basis.

28 35. Answering Paragraph 35 of Plaintiff's Complaint, Real T responds by

1 stating that the allegations contained therein are directed at defendants other than
2 Real T, and therefore no response is required of Real T. To the extent a response
3 may be required, Real T is without knowledge or information sufficient to form a
4 belief as to the truth of the allegations contained in Paragraph 35 and, therefore,
5 denies them on that basis.

6 36. Answering Paragraph 36 of Plaintiff's Complaint, Real T responds by
7 stating that the allegations contained therein are directed at defendants other than
8 Real T, and therefore no response is required of Real T. To the extent a response
9 may be required, Real T is without knowledge or information sufficient to form a
10 belief as to the truth of the allegations contained in Paragraph 36 and, therefore,
11 denies them on that basis.

12 37. Answering Paragraph 37 of Plaintiff's Complaint, Real T responds by
13 stating that the allegations contained therein are directed at defendants other than
14 Real T, and therefore no response is required of Real T. To the extent a response
15 may be required, Real T is without knowledge or information sufficient to form a
16 belief as to the truth of the allegations contained in Paragraph 37 and, therefore,
17 denies them on that basis.

18 38. Answering Paragraph 38 of Plaintiff's Complaint, Real T responds by
19 stating that the allegations contained therein are directed at defendants other than
20 Real T, and therefore no response is required of Real T. To the extent a response
21 may be required, Real T is without knowledge or information sufficient to form a
22 belief as to the truth of the allegations contained in Paragraph 38 and, therefore,
23 denies them on that basis.

24 39. Answering Paragraph 39 of Plaintiff's Complaint, Real T responds by
25 stating that the allegations contained therein are directed at defendants other than
26 Real T, and therefore no response is required of Real T. To the extent a response
27 may be required, Real T is without knowledge or information sufficient to form a
28 belief as to the truth of the allegations contained in Paragraph 39 and, therefore,

1 denies them on that basis.

2 40. Answering Paragraph 40 of Plaintiff's Complaint, Real T responds by
3 stating that the allegations contained therein are directed at defendants other than
4 Real T, and therefore no response is required of Real T. To the extent a response
5 may be required, Real T is without knowledge or information sufficient to form a
6 belief as to the truth of the allegations contained in Paragraph 40 and, therefore,
7 denies them on that basis.

8 **SECOND CLAIM FOR RELIEF**

9 **(Negligent Misrepresentation against Justin and Gary)**

10 41. Answering Paragraph 41 of Plaintiff's Complaint, Real T repeats and
11 realleges each and every response contained in paragraphs 1 through 40 herein, and
12 incorporates the same by reference as though fully set forth at this point.

13 42. Answering Paragraph 42 of Plaintiff's Complaint, Real T responds by
14 stating that the allegations contained therein are directed at defendants other than
15 Real T, and therefore no response is required of Real T. To the extent a response
16 may be required, Real T is without knowledge or information sufficient to form a
17 belief as to the truth of the allegations contained in Paragraph 42 and, therefore,
18 denies them on that basis.

19 43. Answering Paragraph 43 of Plaintiff's Complaint, Real T responds by
20 stating that the allegations contained therein are directed at defendants other than
21 Real T, and therefore no response is required of Real T. To the extent a response
22 may be required, Real T is without knowledge or information sufficient to form a
23 belief as to the truth of the allegations contained in Paragraph 43 and, therefore,
24 denies them on that basis.

25 44. Answering Paragraph 44 of Plaintiff's Complaint, Real T responds by
26 stating that the allegations contained therein are directed at defendants other than
27 Real T, and therefore no response is required of Real T. To the extent a response
28 may be required, Real T is without knowledge or information sufficient to form a

1 belief as to the truth of the allegations contained in Paragraph 44 and, therefore,
2 denies them on that basis.

3 45. Answering Paragraph 45 of Plaintiff's Complaint, Real T responds by
4 stating that the allegations contained therein are directed at defendants other than
5 Real T, and therefore no response is required of Real T. To the extent a response
6 may be required, Real T is without knowledge or information sufficient to form a
7 belief as to the truth of the allegations contained in Paragraph 45 and, therefore,
8 denies them on that basis.

9 46. Answering Paragraph 46 of Plaintiff's Complaint, Real T responds by
10 stating that the allegations contained therein are directed at defendants other than
11 Real T, and therefore no response is required of Real T. To the extent a response
12 may be required, Real T is without knowledge or information sufficient to form a
13 belief as to the truth of the allegations contained in Paragraph 46 and, therefore,
14 denies them on that basis.

15 47. Answering Paragraph 47 of Plaintiff's Complaint, Real T responds by
16 stating that the allegations contained therein are directed at defendants other than
17 Real T, and therefore no response is required of Real T. To the extent a response
18 may be required, Real T is without knowledge or information sufficient to form a
19 belief as to the truth of the allegations contained in Paragraph 47 and, therefore,
20 denies them on that basis.

21 **THIRD CLAIM FOR RELIEF**

22 **(Breach of Contract against Justin)**

23 48. Answering Paragraph 48 of Plaintiff's Complaint, Real T repeats and
24 realleges each and every response contained in paragraphs 1 through 47 herein, and
25 incorporates the same by reference as though fully set forth at this point.

26 49. Answering Paragraph 49 of Plaintiff's Complaint, Real T responds by
27 stating that the allegations contained therein are directed at defendants other than
28 Real T, and therefore no response is required of Real T. To the extent a response

1 may be required, Real T is without knowledge or information sufficient to form a
2 belief as to the truth of the allegations contained in Paragraph 49 and, therefore,
3 denies them on that basis.

4 50. Answering Paragraph 50 of Plaintiff's Complaint, Real T responds by
5 stating that the allegations contained therein are directed at defendants other than
6 Real T, and therefore no response is required of Real T. To the extent a response
7 may be required, Real T is without knowledge or information sufficient to form a
8 belief as to the truth of the allegations contained in Paragraph 50 and, therefore,
9 denies them on that basis.

10 51. Answering Paragraph 51 of Plaintiff's Complaint, Real T responds by
11 stating that the allegations contained therein are directed at defendants other than
12 Real T, and therefore no response is required of Real T. To the extent a response
13 may be required, Real T is without knowledge or information sufficient to form a
14 belief as to the truth of the allegations contained in Paragraph 51 and, therefore,
15 denies them on that basis.

16 52. Answering Paragraph 52 of Plaintiff's Complaint, Real T responds by
17 stating that the allegations contained therein are directed at defendants other than
18 Real T, and therefore no response is required of Real T. To the extent a response
19 may be required, Real T is without knowledge or information sufficient to form a
20 belief as to the truth of the allegations contained in Paragraph 52 and, therefore,
21 denies them on that basis.

22 53. Answering Paragraph 53 of Plaintiff's Complaint, Real T responds by
23 stating that the allegations contained therein are directed at defendants other than
24 Real T, and therefore no response is required of Real T. To the extent a response
25 may be required, Real T is without knowledge or information sufficient to form a
26 belief as to the truth of the allegations contained in Paragraph 53 and, therefore,
27 denies them on that basis.

28 54. Answering Paragraph 54 of Plaintiff's Complaint, Real T responds by

1 stating that the allegations contained therein are directed at defendants other than
2 Real T, and therefore no response is required of Real T. To the extent a response
3 may be required, Real T is without knowledge or information sufficient to form a
4 belief as to the truth of the allegations contained in Paragraph 54 and, therefore,
5 denies them on that basis.

6 55. Answering Paragraph 55 of Plaintiff's Complaint, Real T responds by
7 stating that the allegations contained therein are directed at defendants other than
8 Real T, and therefore no response is required of Real T. To the extent a response
9 may be required, Real T is without knowledge or information sufficient to form a
10 belief as to the truth of the allegations contained in Paragraph 55 and, therefore,
11 denies them on that basis.

12 56. Answering Paragraph 56 of Plaintiff's Complaint, Real T responds by
13 stating that the allegations contained therein are directed at defendants other than
14 Real T, and therefore no response is required of Real T. To the extent a response
15 may be required, Real T is without knowledge or information sufficient to form a
16 belief as to the truth of the allegations contained in Paragraph 56 and, therefore,
17 denies them on that basis.

18 **FOURTH CLAIM FOR RELIEF**

19 **(Breach of the Implied Covenant of Good Faith and Fair Dealing**
20 **against Justin)**

21 57. Answering Paragraph 57 of Plaintiff's Complaint, Real T repeats and
22 realleges each and every response contained in paragraphs 1 through 56 herein, and
23 incorporates the same by reference as though fully set forth at this point.

24 58. Answering Paragraph 58 of Plaintiff's Complaint, Real T responds by
25 stating that the allegations contained therein are directed at defendants other than
26 Real T, and therefore no response is required of Real T. To the extent a response
27 may be required, Real T is without knowledge or information sufficient to form a
28 belief as to the truth of the allegations contained in Paragraph 58 and, therefore,

1 denies them on that basis.

2 59. Answering Paragraph 59 of Plaintiff's Complaint, Real T responds by
3 stating that the allegations contained therein are directed at defendants other than
4 Real T, and therefore no response is required of Real T. To the extent a response
5 may be required, Real T is without knowledge or information sufficient to form a
6 belief as to the truth of the allegations contained in Paragraph 59 and, therefore,
7 denies them on that basis.

8 60. Answering Paragraph 60 of Plaintiff's Complaint, Real T responds by
9 stating that the allegations contained therein are directed at defendants other than
10 Real T, and therefore no response is required of Real T. To the extent a response
11 may be required, Real T is without knowledge or information sufficient to form a
12 belief as to the truth of the allegations contained in Paragraph 60 and, therefore,
13 denies them on that basis.

14 61. Answering Paragraph 61 of Plaintiff's Complaint, Real T responds by
15 stating that the allegations contained therein are directed at defendants other than
16 Real T, and therefore no response is required of Real T. To the extent a response
17 may be required, Real T is without knowledge or information sufficient to form a
18 belief as to the truth of the allegations contained in Paragraph 61 and, therefore,
19 denies them on that basis.

20 62. Answering Paragraph 62 of Plaintiff's Complaint, Real T responds by
21 stating that the allegations contained therein are directed at defendants other than
22 Real T, and therefore no response is required of Real T. To the extent a response
23 may be required, Real T is without knowledge or information sufficient to form a
24 belief as to the truth of the allegations contained in Paragraph 62 and, therefore,
25 denies them on that basis.

26 **FIFTH CLAIM FOR RELIEF**

27 **(Unjust Enrichment against Justin)**

28 63. Answering Paragraph 63 of Plaintiff's Complaint, Real T repeats and

1 realleges each and every response contained in paragraphs 1 through 62 herein, and
2 incorporates the same by reference as though fully set forth at this point.

3 64. Answering Paragraph 64 of Plaintiff's Complaint, Real T responds by
4 stating that the allegations contained therein are directed at defendants other than
5 Real T, and therefore no response is required of Real T. To the extent a response
6 may be required, Real T is without knowledge or information sufficient to form a
7 belief as to the truth of the allegations contained in Paragraph 64 and, therefore,
8 denies them on that basis.

9 65. Answering Paragraph 65 of Plaintiff's Complaint, Real T responds by
10 stating that the allegations contained therein are directed at defendants other than
11 Real T, and therefore no response is required of Real T. To the extent a response
12 may be required, Real T is without knowledge or information sufficient to form a
13 belief as to the truth of the allegations contained in Paragraph 65 and, therefore,
14 denies them on that basis.

15 66. Answering Paragraph 66 of Plaintiff's Complaint, Real T responds by
16 stating that the allegations contained therein are directed at defendants other than
17 Real T, and therefore no response is required of Real T. To the extent a response
18 may be required, Real T is without knowledge or information sufficient to form a
19 belief as to the truth of the allegations contained in Paragraph 66 and, therefore,
20 denies them on that basis.

21 67. Answering Paragraph 67 of Plaintiff's Complaint, Real T responds by
22 stating that the allegations contained therein are directed at defendants other than
23 Real T, and therefore no response is required of Real T. To the extent a response
24 may be required, Real T is without knowledge or information sufficient to form a
25 belief as to the truth of the allegations contained in Paragraph 67 and, therefore,
26 denies them on that basis.

27 68. Answering Paragraph 68 of Plaintiff's Complaint, Real T responds by
28 stating that the allegations contained therein are directed at defendants other than

1 Real T, and therefore no response is required of Real T. To the extent a response
2 may be required, Real T is without knowledge or information sufficient to form a
3 belief as to the truth of the allegations contained in Paragraph 68 and, therefore,
4 denies them on that basis.

5 **SIXTH CLAIM FOR RELIEF**

6 **(Professional Negligence against Real T)**

7 69. Answering Paragraph 69 of Plaintiff's Complaint, Real T repeats and
8 realleges each and every response contained in paragraphs 1 through 68 herein, and
9 incorporates the same by reference as though fully set forth at this point.

10 70. Answering Paragraph 70 of Plaintiff's Complaint, Real T is without
11 knowledge or information sufficient to form a belief as to the truth of the allegations
12 contained in Paragraph 70 and, therefore, denies them on that basis.

13 71. Answering Paragraph 71 of Plaintiff's Complaint, Real T denies the
14 allegations contained therein.

15 72. Answering Paragraph 72 of Plaintiff's Complaint, Real T denies the
16 allegations contained therein.

17 73. Answering Paragraph 73 of Plaintiff's Complaint, Real T denies the
18 allegations contained therein.

19 **AFFIRMATIVE DEFENSES**

20 **FIRST AFFIRMATIVE DEFENSE**

21 Plaintiff's Complaint, and each and every cause of action contained therein,
22 fails to allege facts sufficient to state a cause of action against Real T.

23 **SECOND AFFIRMATIVE DEFENSE**

24 Plaintiff is not the real party in interest and/or lacks standing to prosecute the
25 claims alleged in Plaintiff's Complaint against Real T.

26 **THIRD AFFIRMATIVE DEFENSE**

27 Plaintiff's Complaint should be dismissed in its entirety, because Plaintiff has
28 failed to name a necessary and/or indispensable party as required by NRCP 19 for

1 just adjudication of this action.

2 **FOURTH AFFIRMATIVE DEFENSE**

3 The damages, if any, suffered by Plaintiff were caused in whole or in part by
4 the negligent or willful acts or omissions of parties over whom Real T had no
5 control, nor any right to control.

6 **FIFTH AFFIRMATIVE DEFENSE**

7 Any damages incurred by Plaintiff are the result of Plaintiff's own
8 negligence, or the negligence of Plaintiff's agent(s), and such negligence was
9 greater than the alleged negligence, if any, of Real T; therefore, Real T is not
10 responsible for Plaintiff's alleged damages. Alternatively, Plaintiff's alleged
11 damages, if any, must be reduced by the amount of the comparative negligence of
12 Plaintiff or Plaintiff's agent(s).

13 **SIXTH AFFIRMATIVE DEFENSE**

14 Plaintiff failed to mitigate its alleged losses, injuries and/or damages.

15 **SEVENTH AFFIRMATIVE DEFENSE**

16 Defendant Real T owed no duties to Plaintiff as alleged and, as such, cannot
17 be the proximate cause of Plaintiff's damages, if any.

18 **EIGHTH AFFIRMATIVE DEFENSE**

19 Plaintiff knowingly, voluntarily and unreasonably undertook to encounter
20 each of the risks and hazards, if any, referred to in Plaintiff's Complaint and each
21 alleged cause of action therein, and this undertaking proximately caused and
22 contributed to any loss, injury or damages allegedly incurred by Plaintiff.

23 **NINTH AFFIRMATIVE DEFENSE**

24 The alleged damages claimed by Plaintiff, if any, are speculative, nor
25 supported by proof, and not compensable as a matter of law.

26 **TENTH AFFIRMATIVE DEFENSE**

27 Plaintiff is estopped from asserting its claims against Real T.

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ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff has knowingly waived, by verbal expression and/or conduct, any known rights or claims it asserts against Real T in this matter.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint is barred by the doctrines of release and satisfaction.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint is barred by the doctrine of unclean hands.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint is barred by the applicable statutes of limitation and/or the doctrine of laches.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims against Real T are not ripe and, therefore, should be dismissed.

SIXTEENTH AFFIRMATIVE DEFENSE

Defendant Real T is entitled to an offset of any amounts paid to Plaintiff for damages allegedly sustained in this action, including any and all amounts paid by or on behalf of any tortfeasor, against any amounts that may be owed by Real T to Plaintiff.

SEVENTEENTH AFFIRMATIVE DEFENSE

Defendant Real T acted reasonably and in good faith under the circumstances known to it.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to plead a valid claim upon which an award of attorney's fees or costs may be based.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiff's action is barred by the doctrine of *caveat emptor* and/or assumption of risk.

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TWENTIETH AFFIRMATIVE DEFENSE

Plaintiff's action is barred by the Plaintiff's failure to exercise due diligence.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Real T hereby incorporates by reference those affirmative defenses enumerated in Fed. R. Civ. P. 8(c) as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, Real T reserves the right to seek leave of court to amend its Answer to specifically assert any such defense(s). Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defense.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Pursuant to Fed. R. Civ. P. 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Real T's Answer, and, therefore, Real T reserves the right to amend its Answer to allege additional affirmative defenses if subsequent investigation and/or discovery so warrants.

WHEREFORE, Defendant Real T prays for the following relief:

1. That Plaintiff take nothing by way of its Complaint;
2. That Plaintiff's Complaint be dismissed in its entirety, with prejudice;
3. That Real T be awarded its costs and attorney's fees in defending this matter; and

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1 4. For such other further relief the Court deems just and proper in the
2 premises.

3 DATED this 11th day of February, 2013.

4 **LEWIS BRISBOIS BISGAARD &**
5 **SMITH LLP**

6
7 By /s/ Marc S. Cwik
8 MARC S. CWIK, ESQ. (Bar No. 6946)
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10 Las Vegas, Nevada 89118
11 (702) 693-4374
12 *Attorneys for Defendant*
13 *REAL T. SOLUTIONS, INC.*
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of LEWIS BRISBOIS
BISGAARD & SMITH LLP and that on this 11th day of February, 2013, I did cause
a true copy of the foregoing **DEFENDANT REAL T. SOLUTIONS, INC.'S**
ANSWER TO PLAINTIFF'S COMPLAINT to be served via the CM/ECF
electronic system to all parties on the service list.

By /s/ Peggy Kurilla
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP